

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Hineman et al.

**Serial No.:** 10/767,764

**Filed:** January 29, 2004

**For:** METHODS FOR FORMING A  
METALLIC DAMASCENE STRUCTURE  
(as amended)

**Confirmation No.:** 5543

**Examiner:** K. Quinto

**Group Art Unit:** 2826

**Attorney Docket No.:** 2269-5925US  
(03-0290.00/US)

VIA ELECTRIC FILING  
November 12, 2007

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed August 13, 2007 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

[t]he examiner is unaware if any prior art which suggests or renders obvious a method for forming a metallic damascene structure which involves forming a damascene opening to expose a metallic layer with a portion of it being exposed to an oxidizing agent which causes an oxidation injury which is then partly reversed by a reducing plasma with the damascene structure undergoing cleaning

process and having the opening filled by a metallic plug which contacts the metallic layer.

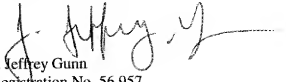
Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language. Applicants note that the independent claims do not recite many of the terms set forth in the Examiner's statement of reasons for allowance including, for example, "damascene," "layer," "plasma," and "cleaning," among others. The scope of the claims is not limited in any way by such terms not recited in the claims.

The independent claims, as allowed, recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Serial No. 10/767,764

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Jeffrey Gunn", with a long horizontal flourish extending to the right.

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Date: November 12, 2007  
JJG/djp:slm  
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